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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK BUCKHORN AND ANISA M.  
THOMSEN AS TRUSTEES OF THE  
REDWOOD EMPIRE ELECTRICAL  
WORKERS HEALTH AND WELFARE  
TRUST FUND, REDWOOD EMPIRE  
ELECTRICAL WORKERS PENSION  
TRUST FUND,

Plaintiffs,

vs.

PETALUMA ELECTRIC, INC.,  
a California Corporation,

Defendant.

CASE NO.: C07-01191 RMW HRL  
JOINT CASE MANAGEMENT  
STATEMENT AND  
PROPOSED ORDER

DATE: June 15, 2007  
TIME: 10:30 a.m.  
PLACE: Courtroom 6, 4<sup>th</sup> Floor  
Judge: Hon. Ronald M. Whyte

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

**DESCRIPTION OF THE CASE**

1. Plaintiffs filed a claim against the Defendant for nonpayment of fringe benefits to the Redwood Empire Electrical Workers Trust Funds, which is the Trust Fund for I.B.E.W. Local 551. The amount claimed is based on an audit performed by the Trust Funds.

2. The principal factual issues in dispute are the amount claimed on the audit and the type of work various employees mentioned in the audit were performing. In addition, the Defendant claims that he is not signatory to the collective bargaining agreement because he sent a valid notice of termination.

1 3. There are no principal legal issues in dispute at this time.

2 4. No other factual issues are in dispute at this time.

3 5. All parties have been served.

4 6. Neither party intends to enjoin any additional parties at this time.

5 7. The parties do not consent to have this case heard before a United States Magistrate.

6 **ALTERNATIVE DISPUTE RESOLUTION**

7 8. The parties have not filed a Stipulation and Proposed Order Selecting an ADR  
8 process.

9 9. The parties tentatively have agreed to mediation, however, would like an additional  
10 ten (10) days to contact and discuss this issue. Defendant's answer was only filed on June 7<sup>th</sup>,  
11 and the parties have not had time to make a final decision at this time.

12 **DISCLOSURES**

13 10. Plaintiff has provided the following documents: a copy of the audit.

14 Defendant intends to provide all documentation purporting to show that Defendant timely  
15 withdrew from the collective bargaining agreement, and documentation showing the type of  
16 work the employees listed on the audit were performing.

17 **DISCOVERY**

18 11. Plaintiff plans to take a maximum of four depositions, a request to produce  
19 documents, request for admissions and interrogatories. The auditor who performed the audit  
20 will serve as the expert witness in this case.

21 Defendant plans to take a request to produce documents, request for admissions and  
22 interrogatories, and three depositions.

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**TRIAL SCHEDULE**

12. The parties request to schedule the trial date after the ADR process is complete.

Dated: June 7, 2007

/s/ Sue Campbell  
SUE CAMPBELL  
Attorney for Plaintiffs

DYKMAN & WESTER, LLP

Dated: June 7, 2007

By: /s/ Matthew Brekhus  
Matthew Brekhus  
Attorney for Defendants